

# SOLICITOR

AO 120 (Rev. 2/99)

<b>TO: Mail Stop 8</b> <b>Director of the U.S. Patent &amp; Trademark Office</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<div style="font-size: 1.5em; font-weight: bold;">OCT 19 2007</div> <div style="font-weight: bold;">REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK</div>
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In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been  
 filed in the U.S. District Court Northern District of California on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. <b>CV 07-05246 JL</b>	DATE FILED <b>10/15/07</b>	U.S. DISTRICT COURT <b>Northern District of California, San Francisco Division</b>
PLAINTIFF <b>BECKMAN COULTER INC</b>		DEFENDANT <b>HEMOSENSE INC</b>
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 <b>5,418,141</b>		
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In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
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CLERK  Richard W. Wieking	(BY) DEPUTY CLERK  Gloria Acevedo	DATE  October 16, 2007
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Copy 1—Upon initiation of action, mail this copy to Commissioner    Copy 3—Upon termination of action, mail this copy to Commissioner  
 Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner    Copy 4—Case file copy

**SOLICITOR****OCT 19 2007****U.S. PATENT & TRADEMARK OFFICE**ORIGINAL FILED  
OCT 15 PM 1:30  
RICHARD W. WHEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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**E-filing**

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 14 BECKMAN COULTER, INC.

15 UNITED STATES DISTRICT COURT  
 16 NORTHERN DISTRICT OF CALIFORNIA  
 17 SAN FRANCISCO DIVISION

**JL**

18 BECKMAN COULTER, INC.,

19 Plaintiff,

20 v.

21 HEMOSENSE, INC.,

22 Defendant.

Case No.

**JURY TRIAL DEMANDED****COMPLAINT FOR PATENT  
INFRINGEMENT****THE PARTIES**

23 1. Plaintiff Beckman Coulter, Inc. ("Beckman") is a company duly formed and  
 24 existing under the laws of the State of Delaware, having its principal place of business at 4300 N.  
 25 Harbor Boulevard, Fullerton, California.

26 2. On information and belief, defendant Hemosense, Inc. ("Hemosense") is a  
 27 corporation organized and existing under the laws of the State of Delaware, having its principal  
 28 place of business at 651 River Oaks Parkway, San Jose, California.

**COPY**

### JURISDICTION AND VENUE

3. This is an action arising under the patent laws of the United States, Title 35 of the United States Code, Section 271. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over Hemosense because it has its corporate headquarters in California and has committed acts of patent infringement in California.

5. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(c) and 1400(b) because Hemosense's contacts with California are sufficient to render it amenable to personal jurisdiction in this district and Hemosense has a regular and established place of business in this district.

### CLAIM FOR PATENT INFRINGEMENT

6. Beckman realleges and incorporates herein the allegations of paragraphs 1 through 5 inclusive as if fully set forth herein.

7. On May 23, 1995, the United States Patent and Trademark Office ("USPTO") duly and legally issued U.S. Patent No. 5,418,141 entitled "Test Articles for Performing Dry Reagent Prothrombin Time Assays" (the "'141 patent"). A true and correct copy of the '141 patent is attached hereto as Exhibit A. Through assignment, Beckman is the owner of all right, title, and interest in the '141 patent, including all rights to pursue and collect damages for past infringements of the patent.

8. Hemosense has been infringing the '141 patent in violation of 35 U.S.C. § 271 by making, using, and/or selling or offering for sale products embodying the patented invention in the United States, including but not limited to INRatio systems, monitors and/or test strips.

9. Upon information and belief, Hemosense will continue to infringe the '141 patent unless enjoined by this Court.

1           10.     Hemosense's past and continued infringement of the '141 patent is willful and  
2 deliberate, rendering this case appropriate for treble damages under 35 U.S.C. § 284 and making  
3 this an exceptional case under 35 U.S.C. § 285.

4           11.     As a result of Hemosense's infringement, Beckman has suffered and will suffer  
5 damages.

6           12.     Beckman is entitled to recover from Hemosense the damages sustained by  
7 Beckman as a result of Hemosense's wrongful acts in an amount subject to proof at trial.  
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9  
10                   **PRAYER FOR RELIEF**

11           WHEREFORE, Beckman prays for the following relief:

12           A.     A judgment by the Court that Hemosense is infringing the '141 patent;

13           B.     A permanent injunction pursuant to 35 U.S.C. § 283 that enjoins Hemosense and  
14 its agents, servants, employees, successors, and assigns, and all persons acting under the authority  
15 of, or in privity or concert with Hemosense from directly or indirectly infringing, or contributing  
16 to or inducing the infringement of the '141 patent;

17           C.     An award of damages that Hemosense be ordered to account for and pay to  
18 Beckman for the infringement of the '141 patent;

19           D.     That such damages be trebled for the willful, deliberate, and intentional  
20 infringement by Hemosense as alleged herein in accordance with 35 U.S.C. § 284;

21           E.     That Beckman be awarded interest on the damages so computed;

22           F.     An award of costs and attorneys' fees pursuant to 35 U.S.C. § 285 or as otherwise  
23 permitted by law; and  
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25           G.     For such other and further relief that Beckman may be entitled to as a matter of  
26 law or that the Court may deem just and equitable under the circumstances.  
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## DEMAND FOR JURY TRIAL

Beckman hereby demands a trial by jury pursuant to Rule 38 of the Rules of Civil Procedure.

Dated: October 12, 2007

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PENG CHEN  
KATHERINE L. PARKER  
MORRISON & FOERSTER LLP

By:

David C. Doyle

**Attorneys for Plaintiff  
BECKMAN COULTER, INC.**